

ZONING BOARD OF ADJUSTMENT

AGENDA INFORMATION



**FARMERS
BRANCH**

March 22, 2016

BRIEFING SESSION

**ZONING BOARD OF ADJUSTMENT
FARMERS BRANCH, TEXAS**

MARCH 22, 2016

6:30 P.M.

**CITY MANAGERS CONFERENCE ROOM, FIRST FLOOR
CITY HALL PLAZA**

A. Discuss Regular Agenda Items

B. Adjournment

Posted by _____ on City Hall bulletin board on or before 5:00 p.m. on
_____, 2016.

FARMERS BRANCH CITY HALL IS WHEEL CHAIR ACCESSIBLE. ACCESS TO THE BUILDING AND SPECIAL PARKING ARE AVAILABLE AT THE MAIN ENTRANCE FACING WILLIAM DODSON PARKWAY. PERSONS WITH DISABILITIES WHO PLAN TO ATTEND THIS MEETING AND WHO ARE DEAF OR HEARING IMPAIRED AND WHO MAY NEED AUXILIARY AIDS OR SERVICES SUCH AS A SIGN INTERPRETERS FOR PERSONS WHO ARE DEAF OR HEARING IMPAIRED, OR LARGE PRINT ARE REQUESTED TO CONTACT THE CITY SECRETARY'S OFFICE AT 972-919-2503 AT LEAST 72 HOURS PRIOR TO THE MEETING.

AGENDA

ZONING BOARD OF ADJUSTMENT CITY OF FARMERS BRANCH, TEXAS

**MARCH 22, 2016
7:00 P.M.
COUNCIL CHAMBERS
CITY HALL**

Approval of the minutes of the February 23, 2016 Zoning Board of Adjustment meetings.

Alex Balic, with Dallas Digital Signs and Graphics, representing World of Décor tenants of 13400 Midway Road suite 200 is requesting permission to install two wall signs on the West elevation that total 253 sf together. Section 62-10i(2) of the Code of Ordinances allows property located within Light Industrial (LI) zoning districts to have a maximum of 200 square feet of wall signage per frontage or 10% of the building elevation, whichever is less for each 300 linear feet of building elevation. A variance to exceed the maximum amount of wall signage by 53 sf would be necessary to issue a permit for the signs.

Adjournment

Posted on the bulletin board at City Hall before 5:00 P.M. on _____, 2016 by _____.

FARMERS BRANCH CITY HALL IS WHEEL CHAIR ACCESSIBLE. ACCESS TO THE BUILDING AND SPECIAL PARKING ARE AVAILABLE AT THE MAIN ENTRANCE FACING WILLIAM DODSON PARKWAY. PERSONS WITH DISABILITIES WHO PLAN TO ATTEND THIS MEETING AND WHO ARE DEAF OR HEARING IMPAIRED AND WHO MAY NEED AUXILIARY AIDS OR SERVICES SUCH AS A SIGN INTERPRETERS FOR PERSONS WHO ARE DEAF OR HEARING IMPAIRED, OR LARGE PRINT ARE REQUESTED TO CONTACT THE CITY SECRETARY'S OFFICE AT 972-919-2503 AT LEAST 72 HOURS PRIOR TO THE MEETING.



Information Memorandum

To: Zoning Board of Adjustment

From: Hugh Pender – Building Official

Subject: Agenda Item No. 1

Date: March 7, 2016

APPROVAL OF THE MINUTES OF THE FEBRUARY 23, 2016 MEETING:

Minutes attached.

ACTIONS BY THE BOARD:

1. Motion that the Zoning Board of Adjustment approve the minutes of the February 23, 2016 meeting (as drafted)(as amended in the study session).
2. Any other action desired by the Board.

Attachments:

Draft minutes of the February 23, 2016 meeting.

MINUTES OF A REGULAR MEETING
ZONING BOARD OF ADJUSTMENT

FARMERS BRANCH, TEXAS
FEBRUARY 23, 2016
7:00 P.M.

COUNCIL CHAMBERS
CITY HALL

Members of the Zoning Board of Adjustment present were:

Chairman	Robert Schies
Vice Chairman	John Tarlton
	Wayne Baham
	Michael Rogan

Alternates	Mike Del Valle
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Members of the Zoning Board of Adjustment not present were:

Alternate	Cory Plunk
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Members of City Administration present were:

Building Official	Hugh Pender
Recording Secretary	Rebecca Albin
Deputy Building Official	Paul Mattson
Permit Technician	Sara Goebel

Chairman Schies called the meeting to order at 7:03P.M. and greeted all in attendance.

Chairman Schies requested that any member of the audience intending on testifying regarding any case before the Board to rise and be sworn in. They did so.

Chairman Schies announced that Alternate Member, Mike Del Valle, would be sitting as a voting member in place of the Chairman.

APPROVAL OF THE MINUTES OF THE JANUARY 26, 2016 MEETING

Chairman asked the Board if they had read the minutes of the January 26, 2016 meeting. After deliberation a motion was made by Mr. Rogan and seconded by Mr. Rendon to approve the minutes of the January 26, 2016 meeting as drafted. The motion carried unanimously.

Mr. Schies read the following legal notice.

Ellis Diment, with Bukowski Law Firm, P.C., representing **Quebec House LP and Paramount Quebec Property, LP** owners of **LIFT Apartments** located at **13214 St Lawrence Circle** is requesting permission to retain four 64 square foot wall signs installed facing the rear of the property. Section 62-10i(3) of the Code of Ordinances allows property located within Multi-Family (MF) zoning districts to have a maximum of 50 square feet of wall signage per frontage or 10% of the building elevation, whichever is less. A variance to exceed the maximum amount of wall signage by 206 sf would be necessary to retain the signs.

Chairman Schies opened the public hearing and directed the applicant to step forward and present the case. Ms. Ellis Diment (1601 Rio Grande Austin, Suite 300A, Austin Texas 78701), attorney representing the LIFT Apartments, came forward to request to retain the installed signs. She says the company believes the letters signify what the owners want the property to stand for and believe the letters/sign relay that.

Chairman Schies asked if there was anyone else in the audience who would like to come forward to speak and Lindsay Colbert, representing the owners (2525 McKinnon Street, Suite 200, Dallas, Texas 75201) came forward to speak for the case. She acknowledged the installation of the signs was completed without consulting the City about the need for a permit. She offered two reasons why the owners believe the signs are necessary: first, the service road elevations lower adjacent to the property and secondly, the property is near two high rise buildings which move the eyes up and away from the property as people are driving by on the expressway.

Chairman Schies asked Staff if any correspondence had been received regarding the application. Mr. Pender responded that 7 notices were mailed to surrounding property owners and that the file contained 0 letters in favor and 0 letters against.

Mr. Schies asked if there was anyone else in the audience who would like to testify either in favor or opposed to the request. No one else came forward.

With no further testimony being offered, a motion was made by Mr. Baham and seconded by Mr. Rendon, that the public hearing be closed. The motion carried unanimously.

After deliberation a motion was made by Mr. Del Valle and seconded by Mr. Baham that the Zoning Board of Adjustment **deny** the requested variance, because their determination from the facts and evidence presented at the public hearing indicated that no substantial hardships exist that warrant the requested variance and; that literal enforcement of the Code of Ordinance would not be contrary to public interest and; that enforcement of the Ordinance would not result in an unnecessary hardship. The motion passed unanimously.

ADJOURNMENT

With no other items on the agenda, a motion was made by Mr. Rendon and seconded by Mr. Rogan that the Zoning Board of Adjustment be adjourned at 7:34 p.m. The motion carried unanimously.

APPROVED:

Robert Schies
Chairman

Hugh Pender
Building Official



Information Memorandum

To: Zoning Board of Adjustment

From: Hugh Pender – Building Official

Subject: Agenda Item No. 2 (16-04)

Date: March 7, 2016

PUBLIC HEARING:

Alex Balic, with Dallas Digital Signs and Graphics, representing World of Décor tenants of 13400 Midway Road suite 200 is requesting permission to install two wall signs on the West elevation that total 253 sf together. Section 62-10i(2) of the Code of Ordinances allows property located within Light Industrial (LI) zoning districts to have a maximum of 200 square feet of wall signage per frontage or 10% of the building elevation, whichever is less for each 300 linear feet of building elevation. A variance to exceed the maximum amount of wall signage by 53 sf would be necessary to issue a permit for the signs.

EXPLANATION:

The property owners had the signs installed at a previous location within the City. That location has closed and the business has relocated to the East side of Farmers Branch and they would like to re-install their existing signs. Section 62-10i(2) of the Code of Ordinance's does have a mechanism in place to allow for additional signage for longer buildings, however this building is approximately 61% too short. The applicant has offered no additional explanation or reason other than the fact the signs are existing as to why the variance has been requested. The Board will need to determine if the existing signs are a special condition, which is significant enough to grant a variance for the signs to be relocated to this location.

RECOMMENDATION:

Staff is opposed to the request.

ACTIONS BY THE BOARD:

1. Motion that the Zoning Board of Adjustment grant a variance to Section 62-10i(2) of the Code of Ordinances to allow a total of 253 square foot or wall signage on the West facing elevation at 13400 Midway Road suite 200, because our determination from the facts and evidence presented at the public hearing indicated that special conditions (*add conditions*) exist which are unique to the applicant or property and; that literal enforcement of the Code of Ordinances will not be contrary to public interest and; that enforcement of the Code of Ordinances will result in an unnecessary hardship.
2. Motion that the Zoning Board of Adjustment deny the requested fence variance at 13400 Midway Road suite 200, because our determination from the facts and evidence presented at the public hearing indicated that no special conditions exist that are unique to the applicant or property and; that literal enforcement of the Code Ordinances will be contrary to public interest and; that enforcement of the Code of Ordinances will not result in an unnecessary hardship.
3. Any other action desired by the Board.

Attachments:

Application

Area Map

Elevation Photo

Ordinance excerpt

Notice to Surrounding Property Owners and Summary of Responses.



**FARMERS
BRANCH**

RECEIVED

FEB 26 2016

BUILDING INSPECTION DEPARTMENT
CITY OF FARMERS BRANCH

Filing Fees Residential:

\$60.00

Non-Residential: \$100.00

**APPLICATION to the ZONING BOARD OF ADJUSTMENT
CITY OF FARMERS BRANCH**

This application will not be considered complete without all information requested below and will not be accepted without a complete and final set of plans submitted with the application, by the specified deadline.

1. Data relative to premise:

Hearing, March 22 Date: 2/23/2016
Appeal Address: 34200 Midway 13400 MIDWAY
Lot: _____ Block: _____ Addition: Mary Brown survey Abstract 159 Part of
revised metro Industrial Park section 2
Volume: 70027 Page: 644 Zoning District: City Farmers Branch
Lot Size: 3,3982 acres Present use of Property: Furniture Store
Dallas County
Applicant: World of Decor/Ded Hawcock Phone #: 321-945-0101
Applicant Address: 13675 North Stemmons Fwy Email: _____
City: Farmer Branch State: TX Zip: 75234
Property Owner: Gillis Thomas/Rolyn Conlow Phone #: 714-759-1200
Property Owner Address: 8333 Douglas Ave STE 1414 Email: _____
City: Dallas State: TX Zip: 75225

Applicant's interest in property: ☐ Owner ☐ Agent ☒ Lessor ☐ Option

2. To the Zoning Board of Adjustment:

This is to affirm that application has been made for permission to: Use of existing
signs to be relocated to new larger facility

Permission was denied by the Building Official as it was deemed contrary to the Zoning Ordinance or Sign Regulations of the City of Farmers Branch. Therefore, appeal is now made to the Zoning Board of Adjustment to grant heretofore requested permission for the following reasons:

Significance of change versus hardship placed on Business
of cost.

I hereby certify that all the above information and any information contained in any supporting documentation submitted herewith are true, accurate and correct to the best of my knowledge and belief.

Respectfully Submitted: Deborah Hancock Printed Name: Deborah Hancock
Date: 2/22/16 Agent for: World of Decor

State Of Texas §

County of Dallas §

Before me, a notary public, on this day personally appeared DEBORAH HANCOCK known to me to be the person whose name is subscribed to the forgoing document and, declared that the statements therein contained are true and correct.

Given under my hand and seal of office this the 22 day of FEB, 2016.

(Seal)



[Signature]
Notary Public
My Commission Expires: 04-22-2019

PD-1(O-LI)

GREENVIEW BLVD.

MC EWEN RD.

PD-90

PD-1(O-LI)

BLUE LAKE CIR. PD-1(O-LI) PD-68

MIDWAY RD

SIMONTON RD.

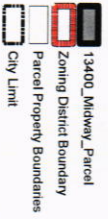
Site Location

LI

MC EWEN RD.

PD-66

PD-40



ZB16-05 - Location Map 13400 Midway Rd.

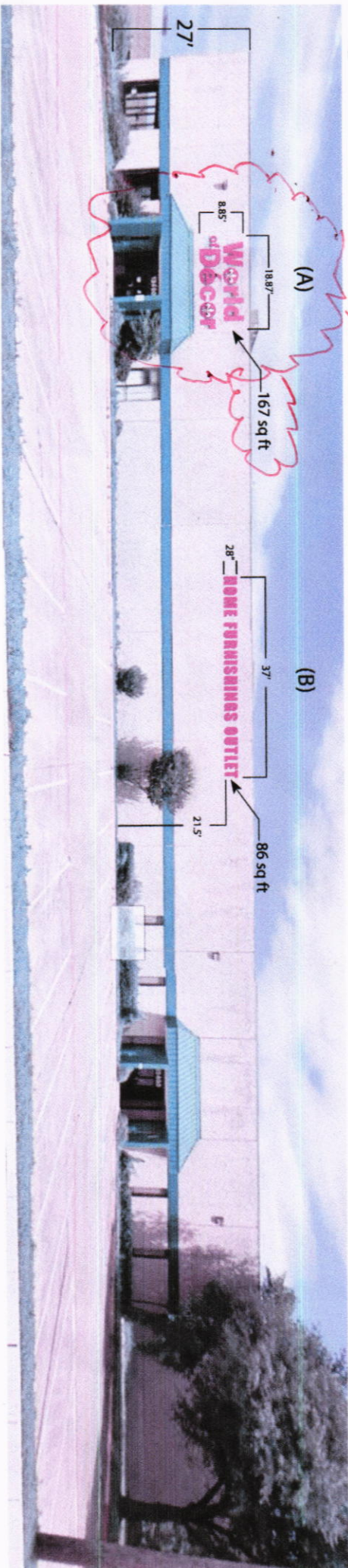


Various official and unofficial sources were used to gather this information. Every effort was made to ensure the accuracy of this data; however, no guarantee is given or implied as to the accuracy of said data. For pictorial reference only.

0 190 380 Feet

DATE: 3/10/2016

VARIANCE REQUESTED
FOR THIS SIGN (SIZE)



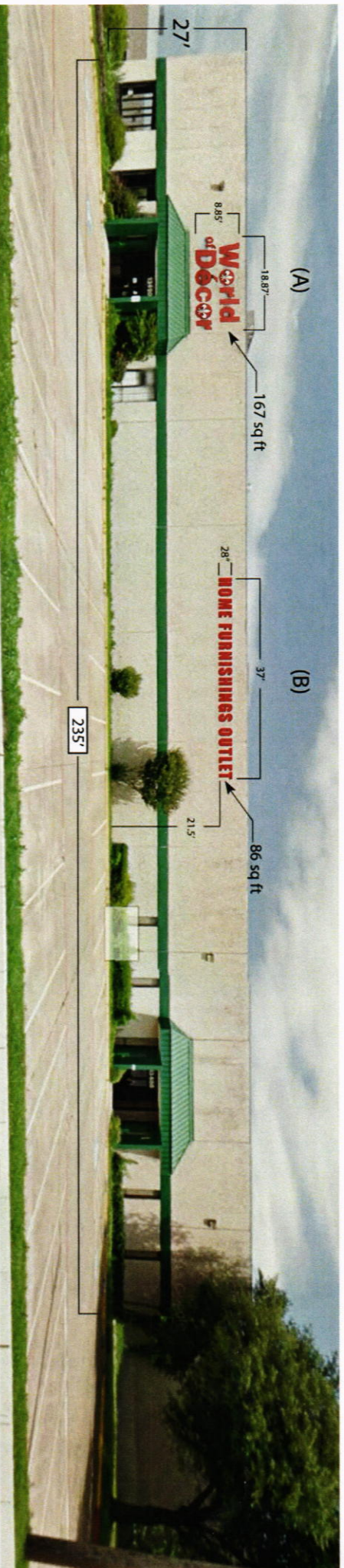
MIRIAM ROAD EVALUATION, TRUCKS WEST

13400 Midway

RECEIVED

MAR 04 2016

BUILDING INSPECTION DEPARTMENT
CITY OF FARMERS BRANCH



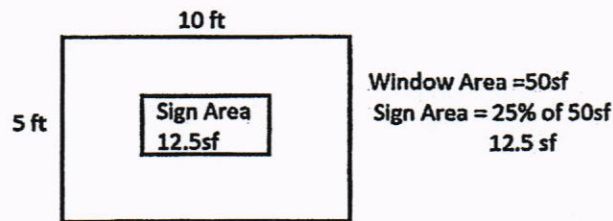
similarly constructed signs shall not be allowed unless otherwise authorized by this chapter. No sign, name plate or similar device located in a residential district or within one hundred (100) feet of a residential district boundary shall be of a flashing, intermittent or pulsating type illumination. The elements of illumination on an illuminated signs located in a residential zoning district or located within one hundred feet (100') of a residential district shall be installed and maintained on a timing mechanism that shall turn off the illumination from 10:00 PM in the evening until 7:00 AM the next morning.

- (f) **Location.** Final location for all signs shall be approved by the Building Official.

62-9 Sign Types – Window

A window sign may be affixed to or painted on the interior or on the exterior of the exterior glazed surfaces of the building, provided the sign does not obstruct more than 25% of the total area or more than 25% of a single pane of glazing. This section shall not be construed as prohibiting the display of merchandise in a window regardless of the area of the window obstructed. (See Illustration 62-9- Window Sign Calculation Examples.)

Illustration 62-9: Window Sign Calculation Example

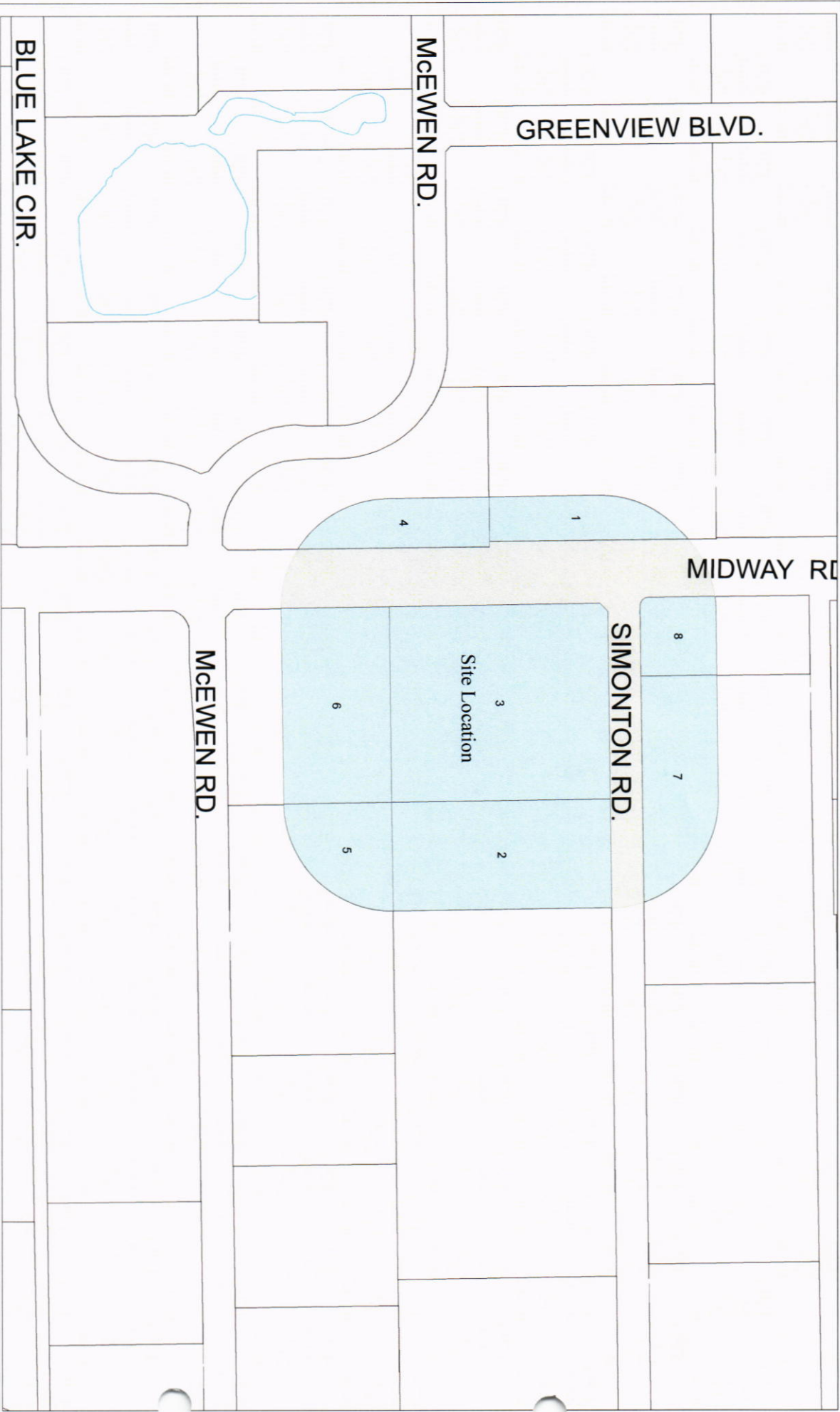


62-10 Sign Types – Wall or Awning

On-premise wall, projecting or awning signs shall be used only for business identification purposes and shall comply with all of the following:

- (a) A wall sign shall be erected parallel to the plane of the wall of the building façade or to the face or faces of the architectural projections to which it is affixed.
- (b) A projecting sign shall be erected perpendicular to the plane of the wall of the building façade to which it is affixed. No more than one projecting sign may be installed on a building façade. The Sign Area of a projecting sign shall not exceed forty (40) square feet. The lowest portion of a projecting sign must be located at least ten (10) feet above the grade or sidewalk immediately below the sign. A projecting sign shall not extend more than three (3) feet from the wall of the building or structure to which it is affixed. A projecting sign shall not exceed the height of a wall to which it is attached.

- (c) A wall sign shall not project more than 12 inches from the building or structure wall.
- (d) A wall sign shall not exceed 75% of the length of a wall or storefront elevation.
- (e) A wall sign shall not extend above the wall of the building.
- (f) An awning sign shall count towards the allowable sign area.
- (g) Neither the background color of an awning nor any striping, patterns or valances, shall be included in the computation of sign face area.
- (h) All illuminated wall signs shall be a raceway or individual channel letters (no framed or can signs). Raceways shall not extend width or height beyond the area of the sign. All raceways must be finished to match the background wall.
- (i) The total area of the sign face shall not exceed the maximum allowable sign area in the zoning district as follows:
 - (1) In LR-1, LR-2 and O zoning districts - 200 square feet for each storefront facing the street or on-site parking lot or 10% of the building elevation, whichever is less. (See Illustration 62-10-Wall Sign Elevation Examples.)
 - (2) In LI, HI and C zoning districts - 200 square feet for each 300 linear feet of building elevation facing the street or 10% of the building elevation, whichever is less.
 - (3) In MF-1, MF-2, MF-3 and MF-4 zoning districts - 50 square feet per frontage or 10% of the building elevation, whichever is less.
 - (4) In I-RU zoning districts - special sign requirements are outlined in Ordinance No. 2614.
 - (5) In R-1 through R-6 & D-1 & D-2 zoning districts, Institutional signs - 32 square feet in area per frontage.
 - (5) In PD zoning districts - specific language in a Planned Development ordinance regarding signage shall supersede the requirements in this sign ordinance.
 - (6) For non-residential properties, if the property has frontage along Interstate 35E or Interstate 635 - 300 square feet for each storefront facing the street or on-site parking lot or 10% of the building elevation, whichever is less.



- ☒ Notification Area
- ☐ Parcel Property Boundaries
- ☐ City Limit

ZB16-05 - Notification Map

13400 Midway Rd.



0 180 360 Feet

Various official and unofficial sources were used to gather this information. Every effort was made to ensure the accuracy of this data, however, no guarantee is given or implied as to the accuracy of said data. For pictorial reference only.

North

Date: 3/10/2016

1
OWNER1
OWNER_ADD1 OWNER_ADD_
OWNER_CITY OWNER_STAT OWNER_ZIP

2
HARDING R E PARTNERS LLC
13465 MIDWAY RD STE 400
DALLAS TEXAS 752445106

3
LOBO 3C LP
5022 PEBBLEBROOK
DALLAS TEXAS 752294306

4
CONLON ROBYN T
8333 DOUGLAS AVE STE 1414 # 1414
DALLAS TEXAS 752255821

5
LUBYS RESTAURANTS LIMITED
13111 NORTHWEST FWY STE 600 SUITE 600
HOUSTON TEXAS 770406392

6
BILLINGSLEY TRUST JV
4215 MCEWEN RD
DALLAS TEXAS 752445202

7
462 THOMAS FAMILY PROPERTIES LP
8333 DOUGLAS AVE STE 1414
DALLAS TEXAS 752255821

8
TRAMMELL CROW CO
2001 ROSS AVE STE 3400 STE 3400
DALLAS TEXAS 752012966

9
HICKMAN MAY TRUST THE
5720 LBJ FWY STE 490
DALLAS TEXAS 752406352